

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALLEN BROWN,

X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>9/28/07</u>
DATE FILED: <u>9/28/07</u>

Plaintiff,

-against-

DEPT. OF CORRECTIONS NYC RNDC FACILITY,

Defendants.

Conference Date: September 28,

X 2007

SCHEDULING ORDER

07 Civ. 3481 (SAS)

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(a) on September 4, 2007, (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date of the conference and the appearances for the parties;

(Allen Brown)

- September 28, 2007 at 10:30 a.m.
- Plaintiff David Thompson, Plaintiff Pro Se, #825-070-0348, North Infirmary Command, 15-00 Hazen Street, East Elmhurst, New York 11370 (by representative, if any).
- Defendant New York City Department of Correction, by Shawn Fabian, Esq., Assistant Corporation Counsel, Office of the Corporation Counsel, 100 Church Street, New York, New York 10007, (212) 788-0906.

(2) a concise statement of the issues as they then appear;

Plaintiff: Plaintiff claims that he was attacked by five gang members on March 30, 2007, cut by a sharp object, and that the Department of Correction failed to prevent plaintiff from further attack.

Defendants: Defendant New York City Department of Correction denies that it failed to protect plaintiff from attack on March 30, 2007.

(3) a schedule including:

(a) the names of person to be deposed and a schedule of planned depositions;

Plaintiff: Unknown.

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Dec +
JAN*

Defendant: Plaintiff Allen Brown is to be deposed. Defendants may depose any other non-parties who may subsequently be disclosed.

(b) a schedule for the production of documents;

The parties will each serve demands for production of documents by **October 11, 2007**. The parties will respond in keeping with the Federal Rules.

(c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed; **No expert discovery anticipated**

(d) time when discovery is to be completed: **January 25, 2008**

(e) a date by which plaintiff will supply ~~his~~ pre-trial order matters to defendant: **February 28, 2008**

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instruction, for a jury trial: **March 21, 2008**

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference:

Feb. 4, 2008 at 4³⁰

(4) a statement of any limitation to be placed on discovery, including any protective or confidentiality orders: **None known at this time**

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement: **None known at this time**

(6) anticipated fields of expert testimony, if any: **None anticipated**

(7) anticipated length of trial and whether to Court or jury: **2 to 4 days by jury**

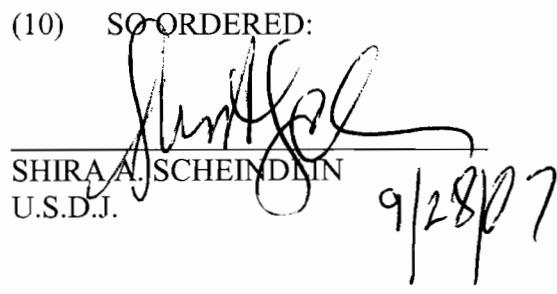
(8) this Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;

(9) Counsel for Plaintiff: Allen Brown, Plaintiff Pro Se, #825-070-0348, North Infirmary Command, 15-00 Hazen Street, East Elmhurst, New York 11370.

Counsel for Defendant: Shawn Fabian, Esq., Assistant Corporation Counsel, Office of the Corporation Counsel, 100 Church Street, New York, New York 10007, (212) 788-0906



(10) SO ORDERED:



SHIRA A. SCHEINDLIN
U.S.D.J.

9/28/07